CANADIAN HUMAN
RIGHTS COMMISSION

Annual Report
2006

Canada

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Cat. No. HR1-2006
ISBN 978-0-662-49914-5
This publication is available in alternative formats
and on the Commission's website at:
www.chrc-ccdp.ca

CANADIAN HUMAN RIGHTS COMMISSION
COMMISSION CANADIENNE DES DROITS DE LA PERSONNE

Commissioner *Commissaire*

March 2007

The Honourable Noël A. Kinsella
Speaker of the Senate
The Senate
Ottawa, Ontario
K1A 0A4

Dear Mr. Speaker,

Pursuant to section 61 of the *Canadian Human Rights Act* and section 32 of the *Employment Equity Act*, I have the honour to transmit the *2006 Annual Report* of the Canadian Human Rights Commission to you for tabling in the Senate.

Yours sincerely,

David Langtry

Encl.

c.c.: Mr. Paul Bélisle
Clerk of the Senate and Clerk of the Parliaments

CANADIAN HUMAN RIGHTS COMMISSION
COMMISSION CANADIENNE DES DROITS DE LA PERSONNE

Commissioner *Commissaire*

March 2007

The Honourable Peter Milliken, M.P.
Speaker of the House of Commons
House of Commons
Ottawa, Ontario
K1A 0A6

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Clerk of the House

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COMMISSIONER'S MESSAGE

It has been said that the only constant is change, and this has certainly been the case for the Canadian Human Rights Commission over the past few years. One of the obvious changes in 2006 was in the senior management ranks. I was very pleased to join the Commission as full-time Commissioner in June, following the retirement of Mary Gusella. The Commission also saw the arrival of a new Secretary General in December. Hélène Goulet has taken on the position left by Robert Ward.

I would like to thank both Mary and Bob for their immense contributions to the Commission over the past four years. I would also like to thank staff and the Commissioners for helping to ensure a smooth transition and for their hard work throughout the year, the results of which are attested to in the pages that follow.

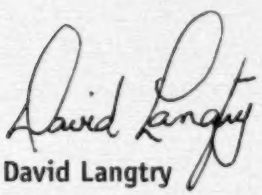
A particularly exciting development in 2006 was the establishment of the National Aboriginal Program. The program will help strengthen the Commission's relations with Aboriginal groups and prepare for the expected repeal of section 67 of the *Canadian Human Rights Act*.

In this global age, the Commission also finds itself playing a role internationally. Over the course of the year, the Commission participated actively in strengthening human rights institutions abroad through the United Nations International Coordination Committee (ICC) of National Human Rights Institutions. The Commission chaired a subcommittee with a mandate to strengthen the ICC accreditation process and promote a new approach focused on rigour, transparency and independence. This strengthened process will be essential for accredited national institutions and the ICC to play a more active and credible role in international fora, such as the UN Human Rights Council.

Continued improvements to Commission operations and management processes have been ongoing throughout 2006. Effective triage methods and early mediation are resulting in cases being settled more quickly. The Commission is also working to strengthen respect for human rights within the federal jurisdiction by conducting human rights research and by working with employers to prevent discrimination, including conducting employment equity audits to promote reasonable progress

in the representation of the four designated groups. In addition, the Commission is participating in the five-year review of the *Employment Equity Act*, and will be making a submission to Parliament in 2007.

A three-pronged service delivery model of dispute resolution, discrimination prevention and knowledge development is allowing the Commission to help resolve disputes quickly when they occur and, at the same time, work toward a healthier future marked by fewer disputes, improved representation of the four designated groups and greater respect for human rights.



David Langtry
Commissioner

Highlights for 2006

Dispute Resolution: The Dispute Resolution Branch continues to develop less formal approaches to resolving disputes. Forty percent of those who agreed to try to resolve their disputes without filing a complaint were able to reach a settlement in this way.

The Commission continued to focus its litigation activities on matters having the greatest human rights impact. Important cases in which the Commission participated before Canadian Human Rights Tribunal hearings dealt with issues ranging from the accessibility of public infrastructure for persons with disabilities to the discriminatory impact of over-qualification on highly trained visible minority immigrants when they apply for jobs. The Commission also intervened before the Supreme Court of Canada in cases dealing with the interplay between security and human rights, the accessibility of VIA Rail's new rail cars and the application of the *Canadian Human Rights Act* by administrative tribunals dealing with human rights issues.

Combatting Hate on the Internet: Since 2002, the Commission has dealt with 55 allegations of hate messages on the Internet. In 2006, the Commission participated in all hearings before the Canadian Human Rights Tribunal dealing with complaints of this nature. In addition, it published the proceedings of its December 2005 conference of experts and government officials on how civil society, governments and the Commission can network and coordinate efforts to combat hate on the Internet.

Preventing Discrimination: The Commission signed several agreements with major employers, all aimed at preventing discrimination in the workplace. In total, these agreements affect 34,000 employees. In addition, the Commission established an Employer Advisory Council to provide a forum for raising, discussing and acting on issues related to preventing discrimination in workplaces and service centres across the country. The Commission also hosted a Discrimination Prevention Forum, focusing on accommodation issues affecting persons with disabilities.

Employment Equity: The Commission is streamlining its employment equity audit process for greater efficiency and effectiveness. It is also preparing for the five-year review being conducted by a Parliamentary Committee into the effectiveness of the *Employment Equity Act*.

Promoting Human Rights: Internationally, the Commission participated in meetings of the Ad Hoc Committee established to negotiate the Convention on the Rights of Persons with Disabilities, which was adopted by the Plenary of the United Nations

General Assembly in December 2006. The Commission also released an important new publication on how to ensure that built environments are accessible to everyone. The report, entitled *International Best Practices in Universal Design: A Global Review*, garnered worldwide attention, and was presented at various international fora on disability.

Aboriginal Peoples: Throughout 2006, the Commission continued to engage in dialogue with First Nations leaders and government officials to encourage implementation of the Commission's recommendations regarding the repeal of section 67 of the *Canadian Human Rights Act*. Section 67 denies First Nations people access to the same human rights complaint redress system available to other people in Canada. The Government of Canada introduced legislation to repeal section 67 in December 2006.

In the fall of 2006, the Commission established a National Aboriginal Program aimed at strengthening relationships with Aboriginal groups and looking at how to incorporate the unique context of First Nations communities in human rights protection mechanisms. The Program will help the Commission respond more effectively to complaints that may arise as a result of the repeal of section 67.

Research on Emerging Human Rights Issues: During 2006, the Commission produced several reports delving into emerging issues, such as the field of national security and human rights, issues involved when employees return to work after an extended leave, and an examination of environmental sensitivities as they relate to human rights.

THE HUMAN RIGHTS ENVIRONMENT: A SNAPSHOT

Our Mandate

The Canadian Human Rights Commission (CHRC) administers the *Canadian Human Rights Act* (CHRA) and is responsible for the enforcement of employers' obligations under the *Employment Equity Act* (EEA).

The purpose of the *Canadian Human Rights Act* is

> *to extend the laws in Canada to give effect, within the purview of matters coming within the legislative authority of Parliament, to the principle that all individuals should have an opportunity equal with other individuals to make for themselves the lives that they are able and wish to have and to have their needs accommodated, consistent with their duties and obligations as members*

of society, without being hindered in or prevented from doing so by discriminatory practices based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability or conviction for an offence for which a pardon has been granted.

The purpose of the *Employment Equity Act* is

> *to achieve equality in the workplace so that no person shall be denied employment opportunities or benefits for reasons unrelated to ability and, in the fulfilment of that goal, to correct the conditions of disadvantage in employment experienced by women, aboriginal peoples, persons with disabilities and members of visible minorities by giving effect to the principle that employment equity means more than treating persons in the same way but also requires special measures and the accommodation of differences.*

Both laws seek to ensure that the principles of equal opportunity and non-discrimination are followed in all areas of federal jurisdiction. The Commission aims to advance equality, respect for human rights, and protection from discrimination by fostering understanding of, and compliance with, these two Acts.

The Commission delivers on its mandate through three main programs:

- The Dispute Resolution Program works to resolve human rights complaints filed against federally regulated employers, service providers and individuals. The program focuses on early intervention to settle disputes.
- The Discrimination Prevention Program works with employers on prevention and employment equity activities to address discriminatory behaviour and demonstrate reasonable progress in representation of the four designated groups.
- The Knowledge Development Program develops research initiatives, policies and legal analysis, and the tools resulting therefrom. These will serve the Commission, key stakeholders and the Canadian public to foster understanding of, and compliance with, the *Canadian Human Rights Act* and the *Employment Equity Act*.

The work done by these three programs is shaped by the types of human rights complaints received by the Commission and by the levels of representation of the four designated groups in federally regulated workplaces.

Portrait of Human Rights Complaints

The following tables provide a snapshot of the types and sources of human rights complaints received by the Commission in 2006. All data refer to numbers of signed complaints.

Figure 1 Grounds of Discrimination Cited in Signed Complaints*

	2002		2003		2004		2005		2006	
	#	%	#	%	#	%	#	%	#	%
Disability	438	44	495	37	389	39	429	50	344	41
Sex	188	19	204	16	165	17	102**	12	138	16
National or ethnic origin	94	9	141	11	109	11	73	8	84	10
Race	71	7	146	11	105	11	74	8	80	10
Age	65	7	159	12	60	6	51	6	55	7
Family status	30	3	38	3	61	6	45	5	40	5
Colour	30	3	59	4	26	3	14	2	33	4
Religion	30	3	35	3	34	3	40	5	28	3
Sexual orientation	31	3	27	2	21	2	23	3	25	3
Marital status	14	2	15	1	14	1	13	1	12	1
Pardon	3	—	1	—	5	1	2	—	—	—
Total	**994**	**100**	**1,320**	**100**	**989**	**100**	**866**	**100**	**839**	**100**

* Total number of grounds cited exceeds the total number of complaints signed because some complaints dealt with more than one ground.

** The Commission accepted a group of 594 related complaints which are counted as one.

- Disability continued to be the most frequently cited ground of discrimination in 2006. Taken together, discrimination on the grounds of national or ethnic origin and race comprise the second most frequently cited type of complaint.

Figure 2 Type of Allegations Cited in Signed Complaints*

	2002		2003		2004		2005		2006	
	#	%	#	%	#	%	#	%	#	%
Employment-related (sections 7, 8, 10)	666	65	1,048	66	834	67	821**	75	782	73
Services-related (sections 5, 6)	128	13	195	12	179	14	132	12	102	10
Harassment – employment (section 14)	164	16	249	16	175	14	95	9	126	12
Harassment – services (section 14)	26	3	31	2	18	1	7	1	16	2
Hate messages (section 13)	4	—	10	1	10	1	13	1	20	2
Retaliation (section 14.1)	15	2	33	2	22	2	12	1	13	1
Union membership (section 9)	7	0.5	2	—	7	1	7	1	3	—
Pay equity (section 11)	7	0.5	7	—	—	—	2	—	2	—
Notices, signs, symbols (section 12)	2	—	9	1	—	—	2	—	—	—
Total	**1,019**	**100**	**1,584**	**100**	**1,245**	**100**	**1,091**	**100**	**1,064**	**100**

* Total number of allegations cited exceeds the total number of complaints signed because some complaints dealt with more than one allegation.

** The Commission accepted a group of 594 related complaints which are counted as one.

- Employment-related complaints accounted for the majority (73%) of complaints accepted by the Commission for review in 2006.

Figure 3 Complaints Signed by Types of Respondents

	2004		2005		2006	
	#	%	#	%	#	%
Private Sector	308	37	301	40	316	44
Public Sector	373	45	338*	45	301	42
Individuals	81	10	52	7	49	7
Reserves, Bands and Councils	45	5	34	4	34	5
Unions	21	3	27	4	17	2
Total	**828**	**100**	**752**	**100**	**717**	**100**

* The Commission accepted a group of 594 related complaints which are counted as one.

Figure 4 Complaints Signed by Province or Territory

	2002		2003		2004		2005		2006	
	#	%	#	%	#	%	#	%	#	%
Ontario	329	41	464	43	357	43	361	48	379	53
British Columbia and Yukon	99	12	112	10	127	15	113	15	95	13
Quebec	140	18	168	15	106	13	84	11	70	10
Alberta, Northwest Territories and Nunavut	91	11	133	12	98	12	77	10	57	8
Manitoba	32	4	60	6	31	4	40	6	33	5
Nova Scotia	51	6	45	4	41	5	24	3	29	4
Saskatchewan	22	3	39	3	35	4	32	4	20	3
New Brunswick	21	3	32	3	14	2	15	2	18	2
Prince Edward Island	3	—	7	1	3	—	—	—	10	1
Newfoundland and Labrador	8	1	17	2	12	1	4	1	5	1
Outside of Canada	4	1	7	1	4	1	2	—	1	—
Total	**800**	**100**	**1,084**	**100**	**828**	**100**	**752***	**100**	**717**	**100**

* The Commission accepted a group of 594 related complaints which are counted as one.

Portrait of the Four Designated Groups in the Canadian Workplace

A Summary of the Data

As part of its mandate to ensure compliance with the *Employment Equity Act*, the Commission tracks the progress in the private and the public sectors in representation levels of the four designated groups covered by the Act – women, visible minorities, Aboriginal peoples and persons with disabilities. The representation of the designated groups at the inception of the Act in 1997 is compared with the most recent data available from employers. For the private sector, this is December 31, 2005, and in the public sector, March 31, 2006. Progress is measured against the 2001 Census data on the employment availability of women, visible minorities and Aboriginal peoples. The availability estimates for persons with disabilities are from the 2001 Participation and Activity Limitation Survey (PALS). These are the most recent data currently available until data from the 2006 Census and PALS are released in 2007 and in 2008.

In the case of the private sector, statistics are based upon the Commission's analysis of 514 employer reports provided to the Minister of Labour as of September 2006. Since that time there have been some additions and adjustments to the employer reports submitted. Therefore there may be small discrepancies between the numbers appearing in this report and those in the Annual Report on Employment Equity 2006 tabled by the Minister of Labour which utilizes the data provided later.

In the case of the public sector, the Public Service Human Resources Management Agency of Canada (PSHRMAC) reconciles the Census results to take into consideration the composition of the public service workforce. These estimates include only Canadian citizens, since the *Public Service Employment Act* gives an absolute preference to Canadian citizens when hiring for the public service. This policy accordingly reduces the overall employment availability of members of visible minorities from 12.6% to 10.4%.

The Employment Equity Act also applies to "separate employers," such as the Canada Revenue Agency. They are also subject to audit and must put in place employment equity plans to increase the representation of designated groups in the workforce.

In 2005, in the private sector, members of visible minorities were fully represented overall, and the number of visibility minority members hired was in keeping with their availability. Their representation is highest in the banking sector where they continue to make gains and now hold 22.8% of jobs, including 8% in senior management, 16.2% in middle management and 25.9% in professional occupations. In the private sector, persons with disabilities and Aboriginal peoples benefitted the least from employment equity initiatives.

In the public service, women, Aboriginal peoples and persons with disabilities were fully represented overall. Members of visible minorities also made some progress in the public service where they now hold 8.6% of all jobs. However, they still remain under-represented when compared to their availability in the workforce. New hires among visibility minority members have also increased, but remain just below availability.

Opportunities for Growth

In the Private Sector

The year 2005 provided many opportunities for members of designated groups in the private sector. A total of 514 employers filed data on their combined workforces of about 670,000 employees. Private sector organizations covered by the Act include banking, communication, transportation and "others," such as mining companies, museums, grain companies, and nuclear power corporations. There were over 100,000 individuals hired in the private sector in 2005, about 10,000 more than the previous year. In total, designated group members received about half of these hires. Among the four designated groups, only visible minority members received hires in line with their availability, while persons with disabilities continued to benefit the least.

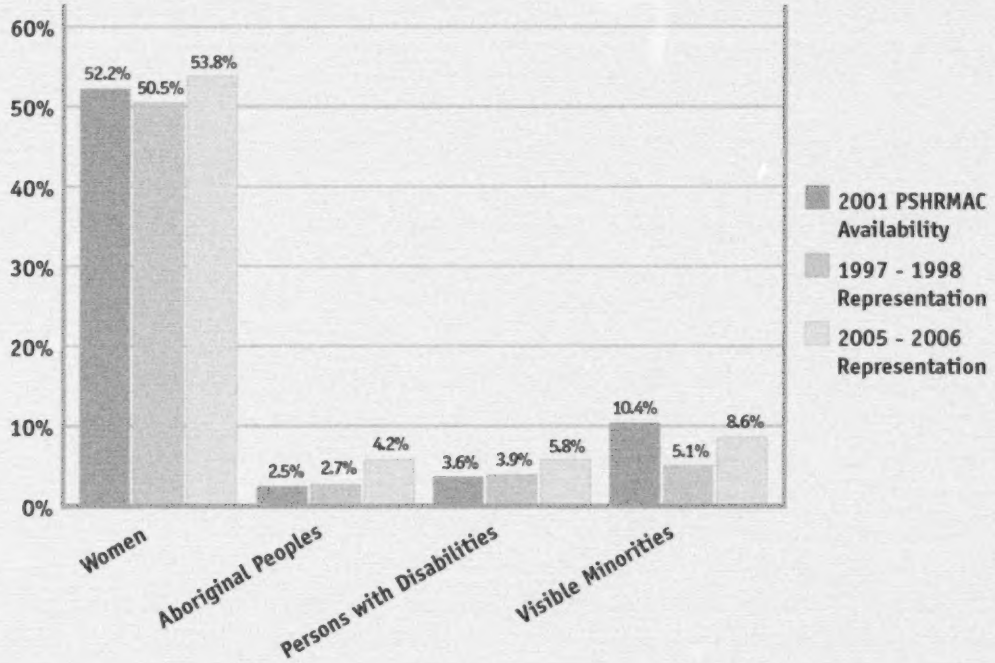
In the Public Service

As of March 31, 2006, 77 federal departments and agencies employed about 177,000 persons compared to about 166,000 the previous year. This increase was largely due to the addition of the employees of the Canada Border Services Agency.

The public service filled over 13,000 job openings, 3,000 more than the previous year. There were encouraging signs of progress for all groups except visible minority members, who continue to be under-represented.

Designated Groups in the Public Service

Figure 5 Designated Groups in the Public Service



- The overall representation of women is in line with women's availability for the public service, according to Census data. Women's share of positions in the executive group continues to increase. Women now occupy 38.8% of executive jobs, up from 25.1% in 1997.

- The representation of visible minority members stood at 8.6%, an improvement from the previous year when they held 8.1% of all jobs, but considerably lower than the public service availability of 10.4%. They received 9.9% of all hires, just slightly lower than availability.

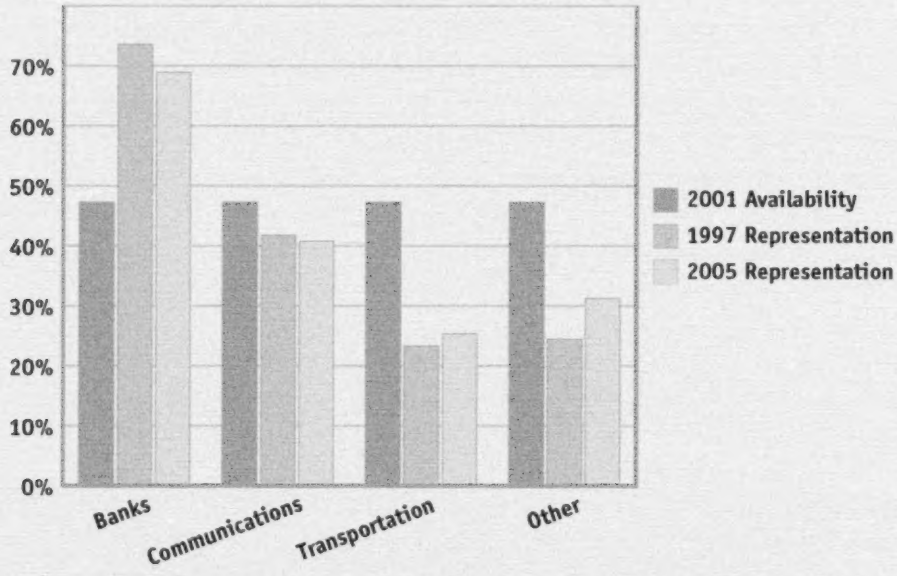
- The proportion of Aboriginal peoples in the public service in March 2006 was unchanged from the previous year at 4.2%. This past year, Aboriginal peoples received 3.8% of all hires, down from 4.3% the previous year.

- The representation of persons with disabilities in the public service at 5.8% in March 2006 was the same as the previous year, and above the public service availability of 3.6%. However, persons with disabilities continue to receive less than their expected share of hires. This indicates that the higher representation is likely due to increased self-identification and aging of the workforce rather than to hires. They received just 2.6% of hires as of March 2006.

Designated Groups in the Private Sector

Women

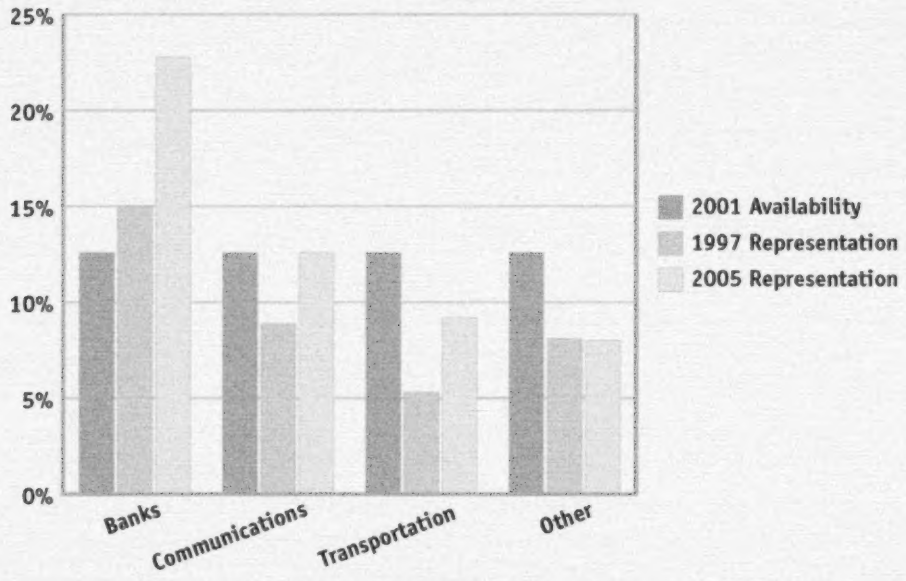
Figure 6 Women in the Private Sector



- Women held 43.3% of all jobs in 2005, down slightly from 44.6% in 1997. Availability was 47.3%, according to 2001 Census data.
- Women continue to hold most (68.9%) of the jobs in the banking sector, mainly because of the large number of clerical positions. In communications, women held 40.8% of all jobs, a slight decrease from 41.7% observed in 1997. They hold 25.3% of all jobs in the transportation sector, an increase from 23.3% in 1997.
- Important gains continue to be made by women in senior management. Women held 20.9% of senior management positions in 2005, unchanged from the previous year but much higher than the percentage (14.8%) observed in 1997. However, their share of these positions is still lower than their availability (25.1%) according to Census data.
- Between 1997 and 2005, the proportion of women in senior management positions rose from 18.6% to 28.3% in the banking sector, from 14.9% to 21.7% in the communications sector, and from 9.9% to 15.1% in the transportation sector.

Members of Visible Minority Groups

Figure 7 Visible Minorities in the Private Sector



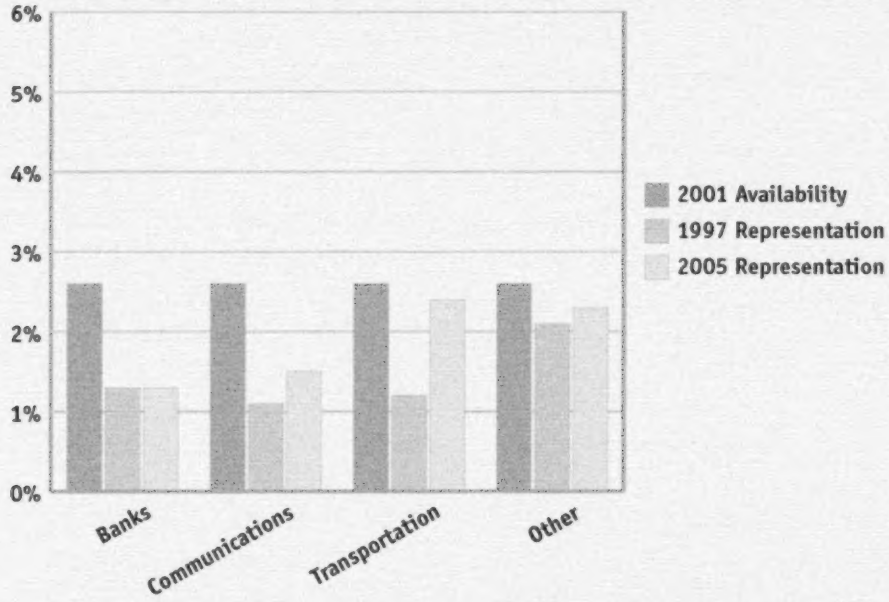
- The share of jobs held by visible minority members has increased from 9.7% in 1997 to 14.1% in 2005. This is slightly higher than their availability of 12.6% according to Census data. While their share of senior management positions has increased steadily from 2.8% in 1997 to 5.2% in 2005, members of visible minorities remain under-represented in this category compared to their availability at 8.2%.

- Members of visible minorities received 15.0% of all hires in 2005. Since 1997, their share of hires has been consistently higher than their availability, although their progress has varied from sector to sector.

- Visible minority representation is highest in the banking sector, where their share of jobs increased to 22.8% from 15.0% in 1997 due to consistently high shares of hires. They now hold 8.0% of all positions in senior management in this sector, up from 7.4% the previous year and 4.3% in 1997.

- Visible minority members also registered increases in the communications sector between 1997 and 2005, from 8.9% to 12.6%, and in the transportation sector, from 5.3% to 9.2%.

Figure 8 Aboriginal Peoples in the Private Sector

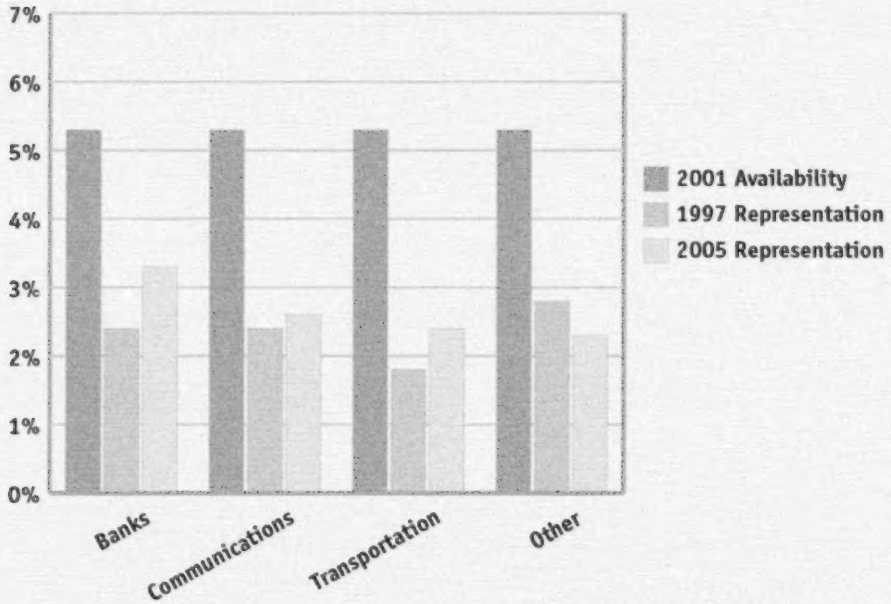


- The share of jobs held by Aboriginal peoples in the private sector increased from 1.3% in 1997 to 1.8% in 2005, well below their 2.6% availability according to Census data. Their share of hires in 2005 at 2.0% was up from the past few years but is still less than their availability.

- Aboriginal peoples held 1.5% of jobs in the communications sector in 2005, an increase from 1.1% in 1997. At 2.4%, their representation was highest in the transportation sector. In the "other" sector which includes employers located in northern and western regions of the country, Aboriginal peoples held 2.3% of all jobs. In the banking sector, Aboriginal peoples held 1.3% of jobs, unchanged from 1997.

Persons with Disabilities

Figure 9 Persons with Disabilities in the Private Sector



- At 2.7%, the representation of persons with disabilities in 2005 was slightly higher than 2.5% the previous year. Still, they received only 1.2% of all hires last year, up just slightly from 1.0% in 1997. Since persons with disabilities receive less than their share of hires in all sectors, the higher representation is likely due to better self-identification among existing employees.

- There were some improvements nonetheless. In the banking sector, where their hiring has been higher than in other sectors, persons with disabilities held 3.3% of jobs, up from 2.4% in 1997.

- In the transportation sector, their share of jobs rose from 1.8% in 1997 to 2.4% in 2005. At 2.6% in the communications sector, the representation of persons with disabilities has remained largely unchanged since 1997.

A Range of Tools

In late 2005, the Commission brought all of its services related to the resolution of human rights disputes under a single umbrella. The creation of the Dispute Resolution Branch, with its emphasis on conflict resolution, is another step in the Commission's broadening of the range of tools available to address human rights issues. The Branch's new mandate reflects the Commission's increasing emphasis on discrimination prevention, and its work with federally regulated employers and service providers to find better ways to handle disputes.

The new service delivery model

The new service delivery model emphasizes linking parties with appropriate dispute resolution options at the earliest possible opportunity. When someone contacts the Commission with concerns about possible discrimination, staff review the situation with the person making an enquiry to ensure it falls within the Commission's jurisdiction. If it does, the next question is whether the matter could be dealt with more appropriately and more quickly through some other procedure, such as a grievance or other process in the inquirer's workplace. The Commission supports the efforts of parties to deal with disputes within their own organizations. Internal processes often have the advantage of being faster, and of better reflecting the considerations and particular circumstances of the parties involved.

If no such other process is reasonably available, Commission staff will do what they can to encourage dialogue between the inquirer and the employer or service provider. The goal is to help the parties find a solution before a complaint is filed under the Act. Formal complaints often escalate disputes so that they become evermore difficult to resolve.

The Commission uses this resolution-oriented approach in most of the situations brought to its attention. If both parties are prepared to look at solutions at this stage, the process can be relatively quick. In some cases, discussions may be carried out through a process of early resolution, often by telephone. In more complex situations, or those involving more people, one of the Commission's mediators may take over the file and invite the parties to a meeting.

The results of this new approach are already encouraging. In 2006, 65 parties agreed to try to resolve their disputes before the filing of a complaint. Of these, 28 parties reached a settlement. This settlement rate of over 40% is very promising for such a new program.

Building on our successes

When a situation cannot be resolved early on, and a complaint is filed with the Commission, the parties will be encouraged to participate in mediation if it has not already been attempted. Otherwise, the matter is turned over to an experienced human rights specialist to conduct a preliminary assessment. This approach, introduced in 2005, has proven to be highly effective.

The objective of preliminary assessment is to help the parties narrow the facts in dispute, provide information about the types of remedy that could be reasonably expected, and generally set the stage for the most appropriate next step in the process. In some cases, the assessor's work can result in a decision to withdraw the complaint or an agreement to enter into mediation. In other cases, the assessor may refer the matter directly to the Commission, bypassing a lengthy investigation. Or the assessor may feel that a more extensive investigation is required, and provide some guidance on the best way to proceed.

In cases where an investigation is required, the complaints are assigned to Commission teams made up of staff from Investigations and legal advisors and policy analysts from the Knowledge Centre. Each team specializes in specific grounds of the Act: one team for disability; another for race, colour, national or ethnic origin and religion; and a third for sex, sexual orientation, age, marital status, family status and pardoned conviction. A fourth team deals with complaints related to hate messages on the Internet, which may be linked to any of the 11 grounds of discrimination set out in the Act. By dedicating resources to grounds-based, multi-disciplinary teams, the Commission can more easily identify the best approach to dealing with a particular complaint. This in turn leads to more efficient, timely investigations, or other, more appropriate and creative solutions.

Parties can opt for mediation at any point in the process, and if the matter is resolved, the agreement is submitted to the Commission for approval. If an investigation is completed and the case is sent to the Commission for review, the Commissioners can decide to appoint a conciliator for one last attempt at resolution. The Commission can also decide to refer the matter to the Canadian Human Rights Tribunal for a hearing. In these cases, the Tribunal will normally also encourage the parties to settle the matter through mediation.

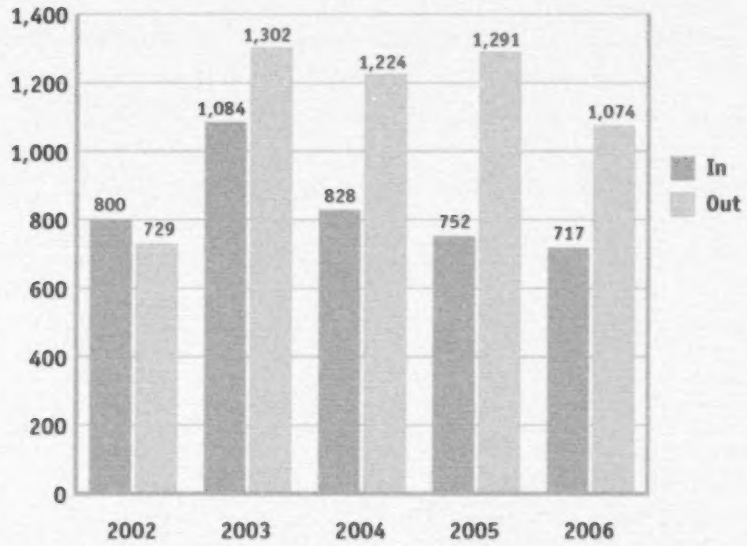
All settlements approved by the Commission are closely monitored, and can be enforced through the Courts if necessary.

Effectiveness of the Business Model

The following data show that the Commission's business model implemented in 2002 is producing the intended results. The complaint workload is in check and productivity has substantially increased.

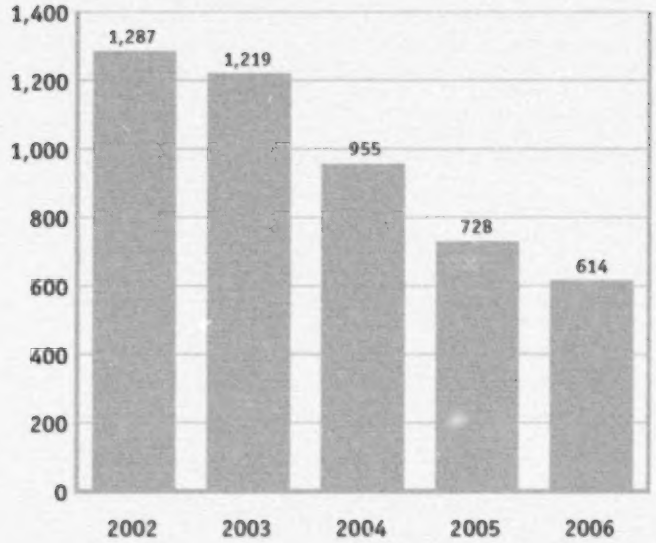
Progress is measured against the year 2002, when the Commission began implementing refinements to its business model.

Figure 10 Cases In, Cases Out



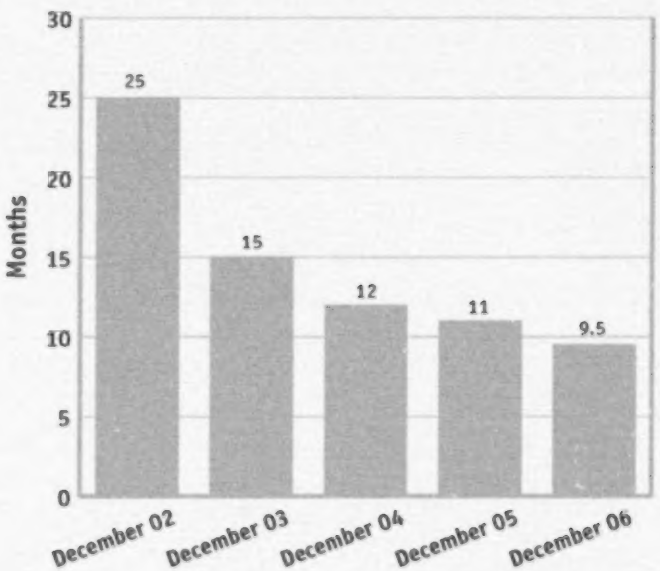
- The data for 2002 show that whereas 800 new complaints were accepted that year, 729 final decisions were rendered by the Commission. Unless the Commission closes more cases than it accepts, the volume of cases increases.
- This trend has been reversed over the past four years, leading to 717 new cases being accepted in 2006, and 1,074 final decisions rendered.

Figure 11 Cases in Inventory



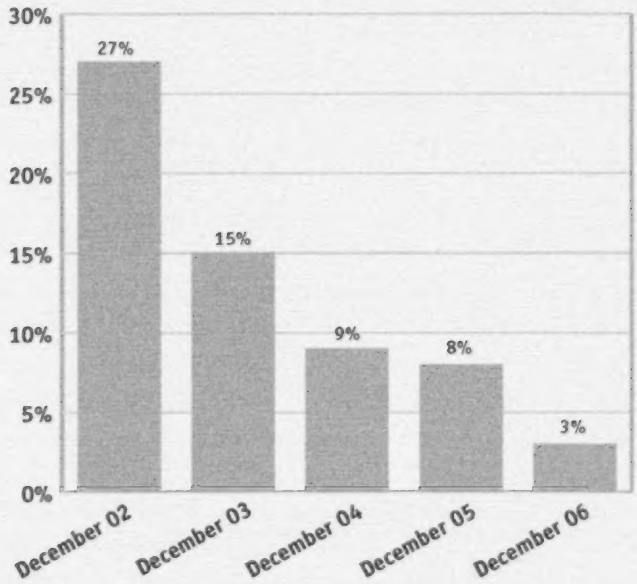
- The active caseload declined from 1,287 cases in 2002 to 614 cases by the end of December 2006, due to greater efficiencies introduced in the Commission's business model.
- This represents a 52% reduction in the number of active cases in the Commission's inventory.

Figure 12 Average Age of Active Caseload



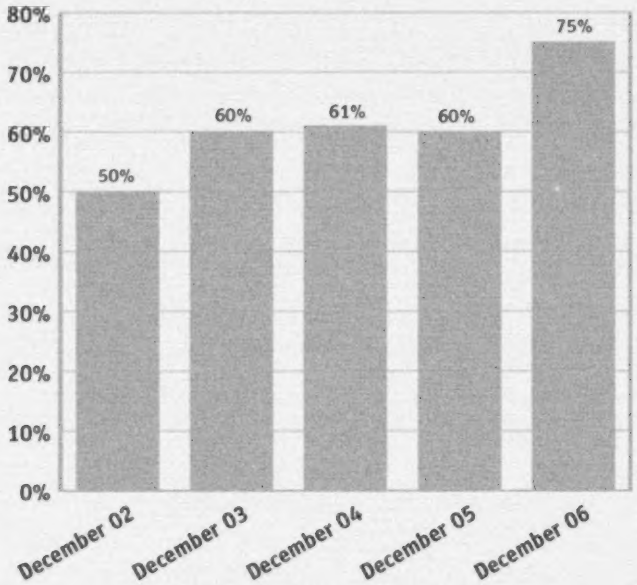
- The Commission was able to reduce the average age of its active caseload from 25 months in 2002 to 9.5 months at the end of December 2006.
- This represents a 62% reduction over 2002.

Figure 13 Cases Two Years or Older



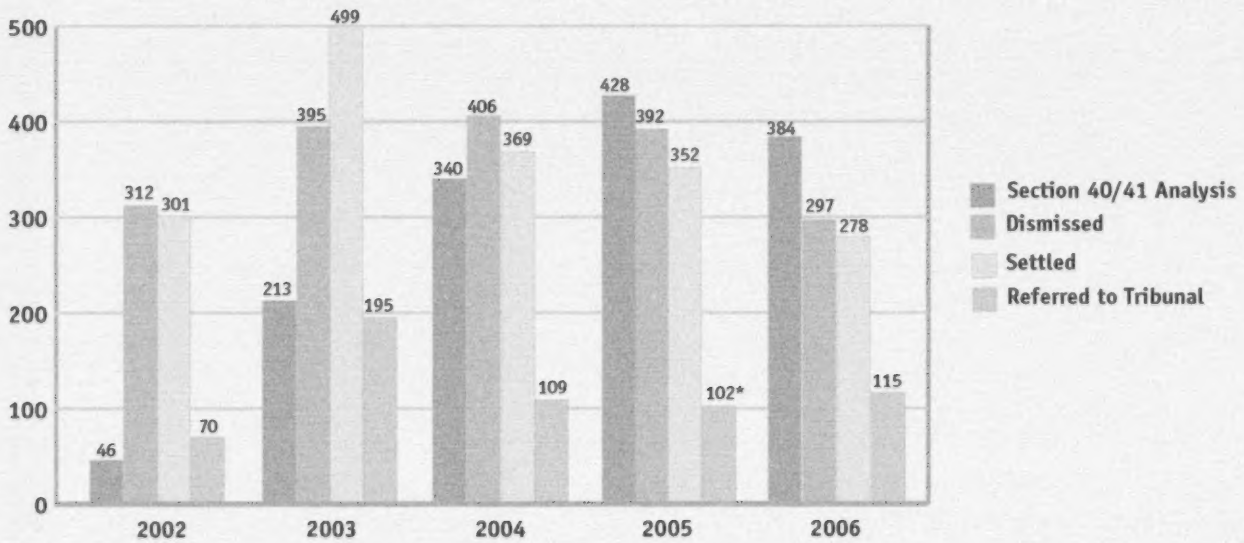
- The number of cases two years or older has been reduced from 27% of the caseload in 2002 to 3% at the end of December 2006. Whereas 347 cases were two years or older in 2002, there were 21 such cases by the end of December 2006.
- This represents a reduction of 94% over 2002.
- Due to the complexity of some cases which involve systemic issues, there will always be older cases in our inventory. But these should never represent more than a very small proportion of our caseload.

Figure 14 Cases Under One Year



- Whereas cases under one year represented 50% of the caseload in 2002, this had increased to 75% at the end of 2006.
- The Commission is making steady progress toward a service standard by which 85% of cases will be resolved within one year's time.

Figure 15 Final Decisions by Type



* Our last Annual Report showed 119 cases as having been referred to Tribunal in 2005. That figure has been adjusted downward to 102 this year to reflect the fact that 17 of these cases were settled through conciliation during 2006, prior to a Tribunal hearing.

How cases were resolved in 2006

There were 1,074 final decisions rendered by the Commission in 2006. Of these:

- 384 or 36% were decisions not to deal with a complaint pursuant to section 40/41 of the Act. In 284 of those cases, complainants were asked to first pursue other redress mechanisms. The remaining 100 cases were out of time, out of jurisdiction, or considered trivial, frivolous or vexatious.
- In the remaining 690 cases, the Commission dealt with the complaints on their merits and ultimately made a decision either to dismiss the complaint, approve a settlement or refer the matter to Tribunal.
- The 297 dismissed cases represented 43% of all cases dealt with by the Commission in 2006. Typically, these are cases that have been submitted to the Commission for decision following an investigation. Cases can be dismissed for a number of reasons, such as lack of sufficient evidence or merit, or because the respondent has taken appropriate action to remedy the situation. This could also include a small number of cases where the complainants withdrew or abandoned their complaints. This percentage represents a fairly steady trend over the past four years.
- A total of 278 cases were settled. This represents 40% of all cases dealt with in 2006. Most of these settlements were arrived at with the assistance of a Commission mediator or conciliator. In a small number of cases, the parties settled the matter on their own.
- A total of 115 cases were referred to the Tribunal in 2006, a number similar to the previous two years.

Public Interest Litigation

The Commission's focused litigation strategy allows it to support the parties at pre-tribunal mediation, while it concentrates on vigorously pursuing high-impact, public interest cases before the Canadian Human Rights Tribunal. On a case-by-case basis, the Commission determines the scope and nature of its participation before the Tribunal after assessing such factors as whether the case raises broad policy issues, relates to major policy concerns, or raises new points of law. The Commission can also intervene in precedent-setting cases before courts and administrative tribunals dealing with human rights issues.

Commission counsel continued to participate in all mediations held by the Tribunal and have been very successful in assisting the parties to reach settlements as an alternative to adjudication. Indeed, in 2006, 62 cases were settled with the assistance of the Commission, representing 86% of the Tribunal cases completed in 2006.

Notable legal developments

Following are examples of some of the cases in which the Commission participated at the Canadian Human Rights Tribunal in 2006.

- In *Buffett v. Canadian Forces*, the Commission argued that the respondent's refusal to grant the complainant funding for a reproductive medical procedure (in vitro fertilization or IVF) constituted adverse differential treatment based on his disability and his sex in breach of sections 7 and 10 of the *Canadian Human Rights Act*. The Tribunal found that the Canadian Forces did not offer the same benefit to its male members with infertility problems that it is offering to its female members with infertility problems, and therefore established a prima facie case of adverse differential treatment. The Tribunal awarded to the complainant $7,500 in compensation for pain and suffering and ordered the Canadian Forces to amend its policy for the funding of IVF treatments.

- In 2006, the Tribunal rendered its decision in the case of *Bob Brown v. National Capital Commission*, which deals with the accessibility of public infrastructure for persons with disabilities. The Tribunal held that it is not reasonable accommodation to force people with mobility impairments to take a detour and that access should be provided as near as possible to the place it is required. The National Capital Commission and Public Works and Government Services Canada have both filed applications with the Federal Court, for judicial review of the Tribunal decision. The Commission is a party to these applications, which are still ongoing.

- In *Gian Sangha v. MacKenzie Valley Land and Water Board*, the Tribunal has recognized that refusing to hire a job applicant on the basis that the candidate is deemed to be over-qualified for the job has a discriminatory impact on visible minority immigrants. This particular case dealt with the differential impact on this group of the employer's qualification criteria which exclude candidates on the basis of over-qualification. What began as a complaint based on overt racism developed into a very detailed analysis of a problem of systemic discrimination based on the barriers to employment faced by highly trained visible minorities.

- In the judicial review application from a preliminary jurisdictional decision of the Tribunal in *Keith Dreaver et al. v. Jim Pankiw*, the Federal Court upheld the Tribunal's finding that Members of Parliament are not immune from provisions of the *Canadian Human Rights Act*. It found that the statutory language of the Act is broad enough to encompass statements made by members in householders published and paid for by the House of Commons. The respondent is appealing this decision to the Federal Court of Appeal.

- In *Brooks v. Fisheries Canada*, the Federal Court of Canada confirmed that the Tribunal has jurisdiction to award legal costs to a complainant whose complaint is substantiated. This has important implications for complainants who choose to be represented by legal counsel. The decision is being appealed.

Hate on the Internet

Between 2002 when the Act was amended to include hate on the Internet and December 2006, the Commission dealt with 55 allegations of hate messages on the Internet under section 13 of the *Canadian Human Rights Act*. Twenty-nine of those cases were referred to the Canadian Human Rights Tribunal for a hearing. The Tribunal has rendered decisions on 12 complaints. In all those cases, it found that the allegation of discrimination was valid and ordered the respondents to take down their sites, refrain from similar activities in the future, and pay complainants for pain and suffering.

The Commission continues to identify complaints dealing with hate messages on the Internet as having significant public interest, and it participated in the hearing of all complaints of this nature before the Tribunal in 2006.

- On July 12, 2006, in *Canadian Human Rights Commission v. Tomasz Winnicki*, the Federal Court imposed a sentence of nine months of imprisonment on Mr. Winnicki for being in contempt of its injunction order. The Court found that the respondent had contravened the injunction to stop posting such messages on the Internet pending a decision by the Canadian Human Rights Tribunal on the complaints which had been lodged. In its decision released on April 13, 2006, the Tribunal found that the respondent had communicated hate messages and ordered him to pay a penalty of $6,000 and to cease communicating the offensive material.

- In *Warman v. Glenn Bahr and Western Canada for Us, Warman v. Craig Harrison* and *Warman v. Peter Kouba*, the complaints were substantiated and the Tribunal ordered the respondents to each pay a penalty which in one case was up to $10,000. The respondents were also ordered to cease and desist the posting of hate messages over the Internet.

- In another notable development, a March 10, 2006, decision by the Tribunal in the case of *Warman v. Kulbashian et al.* found that four respondents, including a web-hosting service company, caused hate messages to be communicated. The Tribunal ordered the company to stop posting hate messages and to pay a penalty. In this case, the Tribunal found that the hosting company in question was actively involved in communicating the offensive material and therefore could not benefit from the exemption found in section 13(3) of the *Canadian Human Rights Act*, which is provided for owners of telecommunication undertakings. The owner of the company has filed an application for judicial review of the Tribunal decision.

Participation in other matters

In addition to litigation emerging from complaints filed under the Act, the Commission intervened in several other matters of note deemed to have a public interest impact in other jurisdictions. These included:

- A decision dated March 2, 2006, in *Balvir Singh Multani et al. v. Commission scolaire Marguerite Bourgeoys* in which the Supreme Court of Canada agreed with the Canadian Human Rights Commission's submissions with respect to a school board's duty to accommodate religious beliefs to the point of undue hardship. The Court held that, in the context of this case, the school board's absolute prohibition of kirpans was not necessary to ensure reasonable safety. As a result, the prohibition did not constitute a minimal impairment of Sikh students' freedom of religion and was struck down. The Court expressly noted the Commission's contribution to the legal analysis in the case. While the decision dealt with the circumstances in a particular school, its principles will help clarify the interplay between security and human rights in other contexts.

- In *CCD v. VIA Rail*, the Commission participated as an intervener before the Supreme Court of Canada to make submissions on the interplay between the *Canadian Human Rights Act* and the *Canadian Transportation Act* in a case dealing with the accessibility of VIA Rail's new rail cars. A decision is pending.

- In 2006, the Supreme Court issued its decision in *Tranchemontagne et al. v. Ontario* (Social Benefits Tribunal). The Court agreed with the Commission and held that the Social Benefits Tribunal is required to interpret its enabling legislation in a manner consistent with the *Canadian Human Rights Act*.

Pay equity

The Commission participated in a number of important pay equity cases. These included the following:

- In January 2006, the Supreme Court of Canada released its decision in the pay equity case of *Air Canada v. Canadian Human Rights Commission and CUPE*. The Court upheld the decision of the Federal Court of Appeal, and confirmed what the Commission has consistently argued: that comparisons for the sake of pay equity may be made between employees of the same company even if they are governed by different collective agreements, so long as they are subject to an employer's common wage and personnel policy. It its judgment, the Supreme Court of Canada noted that the Commission's common-sense interpretation of "establishment" is an approach that supports the legislative purposes of section 11 of the *Canadian Human Rights Act*. It is a landmark decision for pay equity, as it provides much clarity on an important issue which will, in the end, simplify and accelerate the investigation process in this and other cases. The Court dismissed Air Canada's appeal with costs against it throughout.

- The Commission participated in the settlement of the complaints filed by the Personnel Administration (PE) group against the National Research Council of Canada. The complainants alleged that the respondent had engaged in a discriminatory practice since 1991 by paying employees in the female predominant PE group less than employees in the male predominant groups and sub-groups for work of equal value. Through Tribunal-sponsored mediation, the parties have reached a settlement.

- On May 15, 2006, as a result of a mediation process initiated by the Commission, the parties in the longstanding pay equity dispute, *CEP v. Bell Canada*, reached a settlement of the complaint. This marked the end of a 14-year-old dispute affecting 4,765 current and former telephone operators.

Through the work of its prevention initiatives, employment equity audits and proactive communications, the Commission's Discrimination Prevention Branch aims to assist employers prevent discrimination in the workplace and service delivery centres. In so doing, the Branch develops strong collaborative relationships with employers and other stakeholders. The Branch also works closely with staff of the Commission's other branches to help gather intelligence related to trends and patterns on human rights matters. This external and internal collaboration allows the Commission to focus on and coordinate its work in the areas of prevention, compliance, and information-sharing in a proactive way.

Prevention Work with Employers

First established in 2004, the Prevention Initiatives and Liaison Division has a specific mandate to work with employers to prevent discrimination and develop strategies to resolve complaints effectively and quickly. The program works to advance human rights by engaging key stakeholders in the prevention of discrimination in workplaces and service centres, and through raising awareness, understanding and acceptance of, and commitment to, human rights.

Prevention activities and services are provided in all regions of Canada. The Commission's regional offices work with many organizations and groups, such as public and private sector employers, unions, federal councils, First Nations communities and various associations representing visible minorities and persons with disabilities.

In 2006, the Commission continued to realize success with more employers embracing a preventive approach as an important part of their overall human rights strategy. Three more organizations, with a combined workforce of 34,000, signed memoranda of understanding (MOU) in this regard. These organizations include:

- Canadian Pacific Railway, which, in January 2006, signed a letter of understanding with the Commission to reduce discrimination through a proactive and systematic approach, to work together to resolve allegations of discrimination as early as possible and to collaborate on preventive measures where appropriate.
- Industry Canada, which, in August, signed an operational memorandum of understanding to provide duty-to-accommodate training to the department's managers across Canada. The duty to accommodate involves eliminating or

changing policies and behaviours that discriminate against persons based on a group characteristic such as race, national or ethnic origin, colour, religion, age, sex (including pregnancy), sexual orientation, marital status and disability. As a result of the Industry Canada operational memorandum of understanding, 11 duty-to-accommodate training sessions were delivered to some 160 managers across Canada.

- Purolator Courier Ltd., which, in November 2006, signed an MOU with the Commission to collaborate on preventive measures aimed at reducing discrimination in the workplace, and to work together to resolve allegations of discrimination as early as possible.

These three agreements are in addition to existing MOUs with Canada Border Services Agency, Canadian Forces, Canada Post Corporation, National Bank of Canada, Royal Canadian Mounted Police, Penauille Servisair and WestJet Airlines.

The Commission has also developed training manuals, currently being updated and revised, on the duty to accommodate and anti-harassment. The Commission is developing human rights training for investigators and a train-the-trainer program.

In February 2006, a Discrimination Prevention Workshop hosted by the Commission attracted representatives of federally regulated public and private sector employers as well as other key stakeholders. Participants received training on a range of human rights topics, including the duty to accommodate, workplace harassment and anti-racism.

In October 2006, the Commission hosted a Discrimination Prevention Forum for representatives of federally regulated employers who are signatories to memoranda of understanding. The Forum focused on meeting the challenges associated with disability and accommodation. Participants also benefited from updates on the full range of programs and services offered by the Commission.

Employer Advisory Council

In April 2006, the Commission launched an Employer Advisory Council, which provides a forum for raising, discussing and acting on issues related to the prevention of discrimination in workplaces and service centres across Canada. The Council is made up of senior Commission Discrimination Prevention staff and representatives of employers who have signed a memorandum of understanding with the Commission. The diverse membership of federally regulated employers helps the Commission communicate more widely throughout various sectors on prevention-related matters, best practices, tools and resources. It is anticipated that the membership will continue to grow.

Because employers identified the duty to accommodate as having a significant impact on their organizations, the Council established a subcommittee to undertake a detailed exploration of the issue. The subcommittee is examining challenges and best practices with a view to reducing the number of complaints filed related to this ground. It will report its findings to the Council in 2007.

Demonstrated benefits

The Commission initially offered its services in a very strategic way, identifying the largest employers as its initial key stakeholders. Given the positive response to its work to date with this first group of MOU signatories, the Commission is currently developing relationships with a broader range of stakeholders. The interest shown by employers in working together with the Commission to review and share practices and policies that address human rights disputes is an encouraging sign of their ongoing commitment to fostering inclusive, respectful workplaces. As the Commission expands its efforts in this area, more of its tools and resources will be made available online, making them easily accessible to all employers, unions and other stakeholders interested in providing a discrimination-free environment and a more inclusive and representative workforce.

Employment Equity Compliance Program

Striving for continuous improvement

The Employment Equity Compliance Program requires employers to identify barriers to employment and implement best practices to make progress in increasing the representation of the four designated groups. Through the *Employment Equity Act*, the Commission is mandated to conduct audits of public sector and federally regulated private sector workplaces to ensure compliance with the Act.

As well as being a critical component of the Commission's Discrimination Prevention Program, the Employment Equity Compliance Program is also an important part of the Commission's renewal and continuous improvement efforts. To that end, the program is streamlining its audit process to ensure it accurately reflects the environment in which the program currently operates. These streamlining efforts will build on the program's current strengths, while positioning it for increased efficiency and effectiveness.

The highlights of the new process include:

- emphasis on results and monitoring of progress;
- a streamlined internal approval process;
- a clearer process;
- evidence-based analysis of compliance; and
- shorter time frames for completion of the audit steps.

The Commission's experience with the audit program reveals that employers need more support in building on the information and knowledge they require to help them increase their employment equity compliance and sustain gains achieved. As the program progresses, the Commission similarly gathers more and more information through the audit process on successful strategies and best practices for increasing representation of the designated groups. Sharing this knowledge and intelligence with employers on hiring and promoting practices that help encourage equality in the workplace for designated groups is an important aspect of the program.

This is the reason why the audit program has been incorporated into the Discrimination Prevention Program. The Commission is now able to enhance its audit approach by providing employers with targeted advice, prevention tools and enhanced information for the continuous improvement of the human rights culture in the workplace.

Profile of employers subject to the Act

The following table shows the number of employers subject to the *Employment Equity Act* and the number of employees in each sector, including those who have been or are being audited. It also shows the Commission's focus on auditing larger employers, where the potential impact for progress in the employment of designated groups is greatest. The banking sector, where 77% of employers have been audited, averages some 9,000 employees per organization. Conversely, the transportation sector, where 27% of employers have been audited, averages about 600 employees per enterprise.

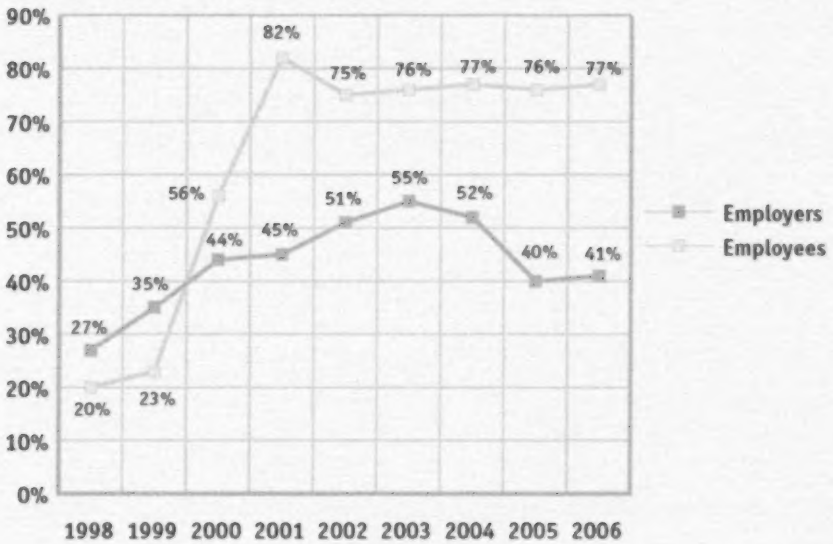
Figure 16 Employers and Employees by Sector subject to the *Employment Equity Act*, Audited or Under Audit

SECTOR	SUB SECTOR	SUBJECT TO THE ACT		COMPLETED OR UNDER AUDIT	
		Employers	Employees	Employers	Employees
Private Sector (as of December 31, 2005)	Banking	22	190,615	17	173,475
	Communications	94	219,887	35	161,809
	Transportation	325	196,977	89	90,575
	Other	73	65,173	31	41,312
Federal Public Service (as of March 31, 2006)		77	176,631	68	157,261
Separate Federal Agencies (as of March 31, 2006)		19	144,721	12	144,490
TOTAL		**610**	**994,004**	**252**	**768,922**

Employers and employees currently under the Act

Figure 17 shows that 41% of the 610 employers currently under the Act have been audited or are under audit, up slightly since last year, but down from the previous five years. This percentage decline since 2004 is due to two reasons. First, there has been an increase in new employers reporting under the Act. Second, employers who are no longer under the Act, but had been the subject of an audit, have been removed from the list of employers currently under the Act. The percentage of the workforce audited or under audit has remained about the same, at 77%, for the past five years.

Figure 17 Percentage of Employers and Employees under the *Employment Equity Act* Covered by Audits



Audit results

Since 1998, 221 employers have been found in compliance with the requirements of the Act. The Commission found 16 employers in compliance during the course of the year. Efforts were also focused on assessing progress of employers who had been previously audited. As a result, there are 37 employers who are in the progress assessment phase. No directions were issued over the past number of years, all enforcement action having been taken in the earlier years of the program, the most recent prior to 2003.

Review of the *Employment Equity Act*

The Commission is participating in the five-year review process being conducted by a Parliamentary Committee into the effectiveness of the *Employment Equity Act*. This review gives the Commission an opportunity to report on its achievements to date. The Commission will make a formal submission to the Parliamentary Committee in 2007.

Public Information

The Commission's website has become an increasingly important source of information for its stakeholders and the public. In 2006, the Commission welcomed 1,127,599 visitors on its website, more than triple the number that visited in 2004. Changes made to the site in 2005 and 2006 have allowed visitors to better target their inquiries and more easily find the information they are looking for, resulting in fewer telephone and e-mail inquiries, and fewer requests for printed copies of publications. An inquiries questionnaire was added to help potential complainants understand the Commission's mandate and jurisdiction and direct them to provide enough information so that questions about jurisdiction can be answered promptly. New pages about complaint statistics and where to find information about case law have been added to the site to respond to frequent requests for this information. Integral to supporting employers' efforts to prevent discrimination, the Commission will be focusing increased attention on improving its website for the end user.

SERVING CANADIANS	2004	2005	2006
Website visitors	339,095	720,612	1,127,599
Publications distributed	71,433	44,848	51,796
Telephone inquiries	14,194	11,142	10,826
E-mail inquiries	5,496	6,336	4,588

EXPANDING KNOWLEDGE

The Commission's Knowledge Centre provides legal advice and creates knowledge, policies and research papers to be used by the Commission, key stakeholders and the Canadian public to help foster understanding of, and compliance with, the *Canadian Human Rights Act* and the *Employment Equity Act*.

Policy Development and Outreach

The Program's policy analysts and legal advisors provide the Commission with support in ensuring effective dispute resolution, prevention of human rights complaints and progress in representation of the designated groups. This work includes:

- providing policy and legal advice to grounds-based investigation teams and intake services so as to support efficient and effective complaint processing;

- providing operational legal and policy advice to the Commission and staff;
- developing a framework for the Commission's regulatory and guideline-making authority; and
- policy development.

The Knowledge Centre also works with external stakeholders by providing advice to employers and employees on a wide variety of human rights and employment-related issues. Employers often seek the advice of the Commission when creating policies, such as on drug testing and accommodation, and when implementing special programs such as an Aboriginal preference program, to ensure that their policies and practices are consistent with human rights principles. Knowledge Centre staff may also be called upon to review an employer's policies as part of a tribunal order or a term of a settlement. Ensuring that organizations have effective human rights policies is one way to prevent future complaints. Finally, we are also informing our domestic policies by reaching out to national and international stakeholders to share best practices.

Following are some examples of the Commission's policy development and outreach activities in 2006:

Policy on Alcohol and Drug Testing

Recent jurisprudence on the issue of drug testing has delayed the release of a revised policy on alcohol and drug testing. In 2007, the Commission will provide an update on the state of the law relating to drug and alcohol testing in the workplace.

International outreach

At the international level, the Commission engaged in a range of activities that support its three international program priorities: i) strengthening human rights institutions abroad; ii) monitoring domestic implementation of international human rights obligations; and iii) advancing human rights priorities. The Commission actively participated with the United Nations as a member of the International Coordination Committee (ICC) of National Human Rights Institutions by leading efforts to strengthen the ICC accreditation process and promoting a new approach focused on rigour, transparency and independence. This strengthened process will be essential for accredited national institutions and the ICC to play a more active and credible role in international fora, such as the UN Human Rights Council.

The Commission also participated in meetings of the Ad Hoc Committee established to negotiate the international Convention on the Rights of Persons with Disabilities. The Convention promises to be an important tool for the protection and promotion of the human rights of persons with disabilities. It covers a number of key areas including accessibility, personal mobility, health, education, employment and non-discrimination. The Plenary of the UN General Assembly adopted the Convention on December 13, 2006. The Convention will be open for signature and ratification beginning March 30, 2007. Twenty of the 192 member states of the United Nations need to ratify the Convention for it to come into force.

National Aboriginal Program

The Commission established an Aboriginal Program in September 2006 to coordinate Commission activity relating to First Nations and Aboriginal issues to prepare for the expected repeal of section 67 of the *Canadian Human Rights Act*. Section 67 is a provision which denies First Nations people access to the same human rights redress system available to other people in Canada. The Commission has called on Parliament to repeal section 67 for years, most recently in its October 2005 report entitled *A Matter of Rights*. The new program's long-term objective is to strengthen relations with Aboriginal groups and foster a dialogue on how to incorporate the unique context of First Nations communities in human rights protection mechanisms.

In December 2006, the government introduced legislation, Bill C-44, to repeal section 67. At year-end, it was expected that the legislation would be considered by a House of Commons Committee early in 2007. At that time, the Commission plans to reinforce its recommendations to Parliament and to suggest ways that this important legislation could be strengthened.

The Commission anticipates that the repeal of section 67 may lead to complaints about systemic issues. To avoid a system which relies on prolonged and litigious complaint processes to deal with discrimination issues, the Commission's implementation plan envisions early emphasis on knowledge development, prevention and alternative dispute resolution. Through discussion with and guidance from First Nations, the Commission will seek to introduce modifications to its programs to make them more accessible and culturally sensitive to First Nations people and communities.

In the coming year, the Commission plans to work with First Nations communities and key stakeholder groups to ensure that the introduction of full access to human rights redress available under the *Canadian Human Rights Act* is accomplished in a manner consistent with the unique constitutional status of First Nations, the inherent right of self-government, and the diverse cultures and modes of decision making of Canada's First Nations. The Commission intends to engage in discussion on specific

areas such as traditional or culturally sensitive dispute resolution techniques, and ensure relevant information is available on its website. The Commission also hopes to identify possible pilot projects to develop community capacity at a grassroots level to deal with human rights disputes. These are the preliminary steps in a process of engagement which aims to support the development of a First Nations human rights model.

Research and Publications

The Knowledge Centre completed several research projects and issued several publications during the year. Each one is designed to give effect to the *Canadian Human Rights Act's* principle that "every person should have an opportunity equal with other individuals to make for themselves the lives that they are able and wish to have and to have their needs accommodated." Ongoing and completed projects are described below.

No Answer II

No Answer II is a study that follows up on the 2005 Commission report, *No Answer*. The first report found that the Government of Canada was failing to adequately accommodate the needs of Canadians who, as a result of a disability, cannot use the regular government telephone system. *No Answer II* focuses on the federally regulated private sector and has similarly discouraging results. It found, for example, that people who want to make a TTY call have about a one-in-four chance of finding a TTY number listed.

The signing of a memorandum of understanding (MOU) between the Commission and the Treasury Board Secretariat offered some encouraging progress, however. This MOU commits the Treasury Board to resolving the issues identified in the 2005 *No Answer* report in consultation with the Commission and organizations representing people who are Deaf, deafened or hard of hearing. The Treasury Board submitted a progress report in late 2006 indicating that corrective actions were underway.

Hate on the Internet

In 2006, the Commission published the proceedings of its December 2005 conference on hate on the Internet. The conference brought together experts and government officials from Canada, the United States and abroad to discuss how civil society, governments and the Commission could network with each other and coordinate their efforts to combat hate on the Internet. The proceedings were published in cooperation with the Association of Canadian Studies, in a special issue of the Association's magazine, *Canadian Issues*. Throughout the year, the Commission

continued to meet with groups interested in issues relating to combatting hate, including a number of groups targeted by hate messages.

International Best Practices in Universal Design: A Global Review

In June, the Commission released an important new publication on how to ensure that built environments are accessible to all. Entitled *International Best Practices in Universal Design: A Global Review*, this report highlights the latest trends in universal design, providing architects and designers with the tools and options to design buildings that are accessible to all users. It also documents accessibility criteria in building codes and standards in Canada and around the world.

The report, which received funding support from Agriculture and Agri-Food Canada, Human Resources and Social Development Canada (Office for Disability Issues) and the Treasury Board of Canada Secretariat, has received world-wide attention and has been presented at international fora on disability.

National Security and Human Rights

Since September 11, 2001, Canada has engaged in new and significant national security measures. Several commentators have indicated that these measures could violate human rights principles. A 2006 Commission report, prepared by Wesley K. Wark of the Munk Centre for International Studies at the University of Toronto, explores this matter in detail and identifies key issues in the field of national security and human rights. The report highlighted the following areas as warranting further research:

- study Canadian security and intelligence agencies to assess the extent to which such agencies have paid attention to human rights issues;
- review the report of the Arar Commission to identify issues that fall within the mandate of the Canadian Human Rights Commission; and
- conduct a comprehensive review of the various approaches that governments can use to establish people's identity and the human rights implications of each of these approaches.

Managing the Return to Work: The Human Rights Perspective

Several complaints filed with the Commission deal with employees returning to work after an extended leave, such as sick leave, work injury, or maternity leave. This research report, prepared by Marie-Claude Chartier, a lawyer and independent researcher, reviews the legal issues involved in return-to-work situations, and is

available on the Commission's website. The Commission undertook this project with the aim of developing more specific guidelines to support managers and supervisors in handling return-to-work situations. These guidelines will be available in 2007.

Environmental sensitivities

The Commission is also carrying out an in-depth examination of environmental sensitivities as they relate to human rights. The Commission has completed a review of environmental sensitivity issues from a legal perspective and has a similar review underway from a medical perspective.

Sexual orientation

The Knowledge Centre uses a research model focused on mapping obstacles to equality. The goal is to develop an inventory of obstacles in order to better understand and develop strategic approaches to remove them. The sexual orientation project follows from this model and includes two ongoing research projects.

The first project creates an historical overview of how sexual orientation became a human right in Canada, and the role the Commission played in this regard. Compared to other forms of discrimination that the Commission deals with, major progress has been achieved in recent years in eliminating obstacles to equality with respect to sexual orientation. The lessons learned from this research will therefore be used to design corrective actions for other prohibited grounds of discrimination.

The second project deals specifically with identifying the obstacles encountered by persons protected by the ground of sexual orientation. The Commission reviewed all complaints in the Commission's database, and compiled a list of obstacles already dealt with and removed, most of them legislative. The next step will be to analyze policies, programs and benefits in the public and private sectors under federal jurisdiction to identify continuing obstacles to equality on the basis of sexual orientation.

Report Card on Human Rights in Canada

The Knowledge Centre is also developing research that will allow for comparative assessments of human rights in Canada over time. This initiative involves considerable research, and the substantial progress to date includes the development of a conceptual framework and the identification of some indicators.

Tackling emerging systemic issues

The Commission will continue to develop its capacity to deal with emerging and broad systemic issues. It will identify the need for other studies by examining information gathered from monitoring complaints investigations, results of environmental scans, stakeholder consultations and any new key events that negatively affect the advancement of human rights in our country.

SOUND MANAGEMENT

The Commission is committed to sound management in all aspects of its work, particularly with respect to resource management, whether financial or human resources. During the reporting period, a particular emphasis was placed on deepening our learning culture and expanding learning opportunities. The focus was also on the development of operational measures to ensure timely and effective service to those seeking to address human rights issues in federal and federally regulated workplaces.

A Healthy Workplace

The Commission provides a safe and healthy workplace environment, as well as opportunities for its employees to learn and develop — 87% of Commission employees have chosen to complete individual learning plans. A learning culture is essential for peak performance at all levels. A Learning Advisory Committee guides learning investments within the organization, and assesses their relative benefit. The Commission has begun work on a comprehensive workplace health initiative, of which learning will be a key part.

An informal conflict management system is in place to resolve workplace issues early, before they have a chance to grow. The Labour Management Consultation Committee (LMCC) provides a forum for discussion of human resources issues with the Commission's bargaining agents. Throughout 2006, the Committee continued to hold its quarterly meetings. An LMCC sub-working group was also established to work on more sensitive issues and provide advice on opportunities for improvement.

The Commission continues to foster diversity in its workforce and continuously strives to increase its representation of designated groups beyond basic levels. All designated groups were adequately represented in the Commission's workforce, either meeting or exceeding the Commission's employment equity targets overall and in all

categories. The Commission's targets are set by the Public Service Human Resources Management Agency of Canada on the basis of 2001 Census data, and reflect the categories of employment in our workforce.

As of December 31, 2006, the Commission had 169 employees, of whom:

- 66.3% were women against a target of 62.1%;
- 14.2% were persons with disabilities against a target of 3.4%;
- 10.1% were members of visible minorities against a target of 8.6%;
- 3.6% were Aboriginal people against a target of 2.5%.

The Commission is committed to providing a fully bilingual workplace where staff may choose to work in their official language of choice.

- 76.3% of positions at the Commission were designated bilingual imperative, 22.5% were English essential, and 1.2% were either English or French.
- 51.5% of employees said their mother tongue was English and 48.5% French.

Staff turnover in 2006 was 22.5%, after four years of being around 10% per year. We are seeking to better understand the shift. It may be part of a natural outflow at the end of a four-year change initiative. The Commission is also experiencing change at the top. A new Secretary General took office in December 2006 and the search for a new Chief Commissioner was still underway at the end of 2006. The Commission is in the process of assessing its workforce requirements as it engages in greater stakeholder outreach, as well as what is needed to attract and maintain a diverse and highly skilled workforce in a high-demand labour market.

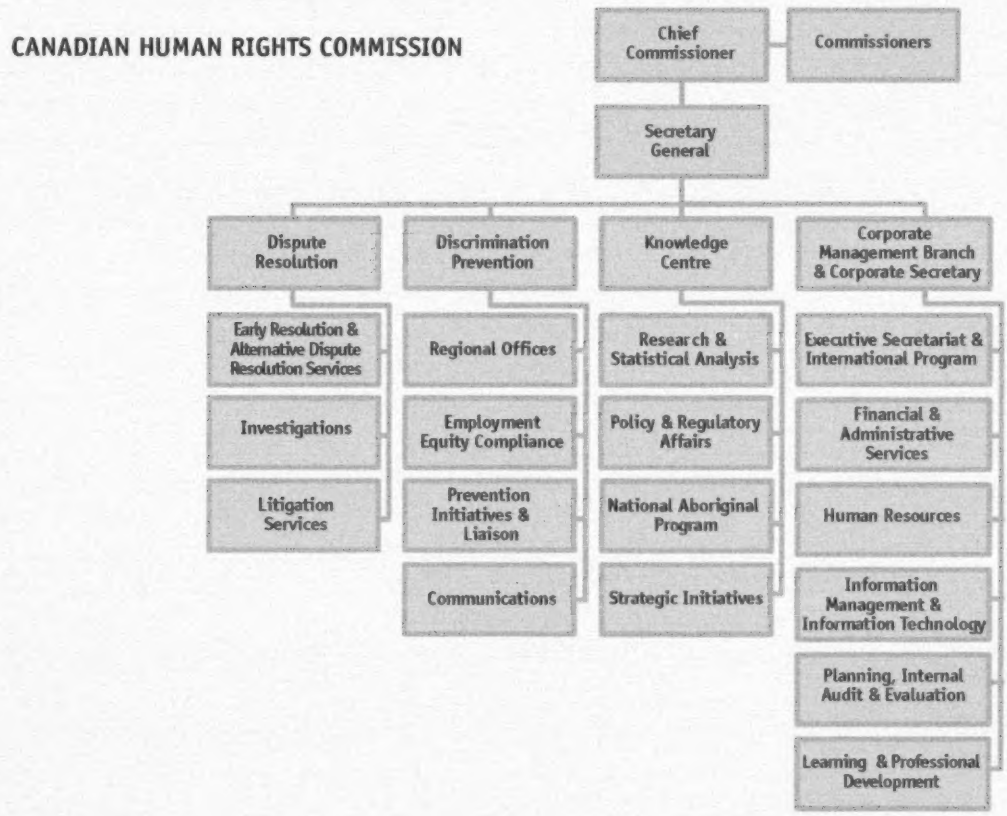
Stewardship

The Commission has policies, procedures and guidelines in place to ensure the necessary frameworks in key program and corporate areas, including finance, human resources, procurement, and information management. Horizontal oversight committees at the Director General level ensure a consistent community of practice and recommend future directions to the Secretary General and the Senior Management Committee. During 2006, the Commission also fully and successfully implemented a Record, Document, Information Management System (RDIMS).

Performance Measurement

The Commission has developed a set of reliable reports or "dashboards" of operational performance. At any given time, these allow the Commission to pinpoint issues, gauge the efficiency of its operations, assess the probability of a backlog developing, and take targeted corrective measures if required. An integrated performance report is presented to Commissioners on a monthly basis, and to Parliament and the public at large through the annual tabling of the Commission's Annual Report, Report on Plans and Priorities and Departmental Performance Report.

ORGANIZATION CHART



MEMBERS OF THE COMMISSION

David Langtry, full-time Commissioner

Kelly Russ, part-time Commissioner – British Columbia

Aimable Ndejuru, part-time Commissioner – Quebec

Carol McDonald, part-time Commissioner – Newfoundland and Labrador

Harish Chand Jain, part-time Commissioner – Ontario